

## RECEIPT AND NOTICE OF RIGHTS FOR CONFISCATED FIREARMS/OTHER DEADLY WEAPONS

- ☐ Pursuant to Welfare and Institutions Code section 8102, the firearms and/or other deadly weapons listed below were confiscated from you on \_\_\_\_\_ (Date).

### **Mental Health Incidents – Notice of Rights**

A report of the details surrounding the confiscation of these items may be given to the county prosecuting agency. The prosecuting agency must file a petition in the County Superior Court within 30 days from the date of release from the mental health facility, alleging that the return of these items would be likely to result in endangering you or others, or the items must be returned to you by the law enforcement agency if you are not prohibited from possessing firearms. If the prosecuting agency does file such a petition, you have a right to a hearing on the question of whether returning these items would, in fact, be likely to result in endangering you or others. A copy of the prosecuting agency's petition will be mailed to you at the address you provided to the law enforcement agency. If you wish to have a hearing you must notify the clerk of the County Superior Court within 30 days of the filing date of the prosecuting agency's petition. The clerk will then set a date and time for such hearing and a notification will be mailed to you.

If you are detained under WIC 5150 and are subsequently involuntarily admitted to a mental health facility, you are prohibited from owning, possessing and controlling firearms for a period of five (5) years in California. If you currently own any firearms, you must contact the nearest law enforcement agency to surrender those firearms.

- ☐ Pursuant to Penal Code section 12028.5, the firearms and/or other deadly weapons listed below were confiscated from you on \_\_\_\_\_ (Date).

### **Domestic Violence Incidents – Notice of Rights**

Unless the items confiscated from you are to be used as evidence in any criminal procedure, the firearm(s) shall be made available to you from the law enforcement agency 5 business days after the seizure or as soon thereafter as possible. If, within this time, the law enforcement agency believes the return of these items will likely result in endangering the victim or person reporting a domestic violence assault, you will be advised, and within 60 – 90 days of the seizure a petition will be initiated in Superior Court to determine if these items should be returned.

- ☐ Other: \_\_\_\_\_ on \_\_\_\_\_ (Date).  
(Reason for Confiscation)

### **List make, model, caliber, serial number and importer:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Any person who claims title to any firearm that is in the custody or control of a court or law enforcement agency and who wants to have the firearm returned shall make application for a determination by the Department of Justice as to whether he or she is eligible to possess a firearm (PC 12021.3). Prior to the return of any firearm to its owner, the individual seeking the return of the firearm must submit a Law Enforcement Gun Release Application to the DOJ. The application is available at [www.ag.ca.gov/firearms](http://www.ag.ca.gov/firearms). It may take up to 30 days to process the application. If firearms are not claimed within 180 days of notification that the firearm is available for return the law enforcement agency may dispose of the firearm (PC 12021.3(g)).

Pursuant to Penal Code section 12021.3(j)(1) a local law enforcement agency may charge a storage fee for firearms. This storage fee is \_\_\_\_\_.

<b>I acknowledge receipt of a copy of this notice.</b>		
_____	I, _____ (Officer's Name/Title)	
Date	declare under penalty of perjury under the laws of the State of California, that I served the above named person with a copy of the above notice, and this declaration is executed on _____	
_____	(Date) at _____ (City), California.	
Signature of Person Notified	_____	_____
DOB	Signature of Officer Serving Notice	ID #

☐ I recommend court petition for retention of firearms \_\_\_\_\_ (Initials of Officer) 12/2004

**Original – Law Enforcement Agency      Copy – Person Notified**